

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

DeMARCO DEON WILLIAMS,)	
)	
Plaintiff,)	
vs.)	Case No. 11-CV-469-TCK-FHM
)	
CITY OF TULSA, and)	
JEFFREY MICHAEL HENDERSON,)	
)	
Defendants.)	


OPINION AND ORDER

Before the Court is Defendant Jeffrey Henderson’s Motion to Quash Service of Process (Doc. 56), wherein Henderson urges the Court to quash service because it was effected five days after the 120-day deadline in Federal Rule of Civil Procedure 4(m).

The Court previously granted Henderson’s motion to set aside the entry of default entered against him. (*See* Doc. 57.) In the current motion, Henderson urges the Court to take the additional step of dismissing the case or quashing service of process against him. Plaintiff argues that the relevant factors weigh in favor of a permissive extension of the service deadline. The Court finds that the relevant factors support a permissive extension of the service deadline because (1) the statute of limitations on Plaintiff’s claim has expired; (2) Plaintiff made a good-faith effort to effect service and missed the deadline by only five days; (3) Henderson had actual notice of the lawsuit; and (4) Henderson will suffer no actual prejudice due to the delay. *See McClellan v. Bd. of Cnty. Comm’rs of Tulsa Cnty.*, 261 F.R.D. 595, 604 (N.D. Okla. 2009) (listing factors).

Therefore, Defendant Jeffrey Henderson's Motion to Quash Service of Process (Doc. 56) is DENIED. The parties are ordered to submit a Joint Status Report governing the remainder of the case no later than October 11, 2013.

SO ORDERED this 30th day of September, 2013.



TERENCE KERN
United States District Judge